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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,211	07/06/2001	David D. Bohn	10003357-1	6278

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EXAMINER	
NGUYEN, JENNIFER T	

ART UNIT	PAPER NUMBER
2674	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/900,211	BOHN, DAVID D.	
	Examiner	Art Unit	
	Jennifer T Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE filed on 03/11/2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6 and 8-21* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6, 15-19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873).

Regarding claims 1, 18, 20, and 21, referring to Fig. 2, Verstockt teaches a computer pointing device (31), comprising: a illumination apparatus (i.e., LED 33) operatively associated with the computer-pointing device (31), said illumination apparatus generating light when the computer pointing device is in a input operating mode (i.e., when the mouse is in operation), the light generated by said illumination apparatus (33) providing for a user a visual indication of the input operating mode of the computer pointing device (31) (col. 3, lines 23-42).

Although Verstockt does not specifically teaches another illumination apparatus generating light when the computer-pointing device is in a standby mode the light generated by said illumination apparatus providing for a user a visual indication of the standby mode of the computer-pointing device. Verstockt teaches an illumination apparatus (i.e., LED 33) not generating light when the computer pointing device (31) is in a standby mode (i.e., when the mouse is in operation) the light generated by said illumination apparatus providing for a user a visual indication of the standby mode of the computer pointing device (col. 3, lines 23-42).

Moreover, McDonough teaches one or more illumination apparatus (14) generating light (different illumination levels, different colors ...) when the computer-pointing device is in different states (col. 7, lines 24-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the another illumination apparatus generating light when the computer pointing device is in different states as taught by McDonough in the system of Verstockt when the computer pointing device is in a standby mode in order to allow user easily recognizes the pointing device with different of its modes.

Regarding claim 2, Verstockt further teaches the computer-pointing device comprises a mouse (Fig. 2).

Regarding claim 3, Verstockt further teaches first illumination apparatus and second illumination apparatus comprises a light-emitting diode (col. 3, lines 23-42).

Regarding claim 4, the combination of Verstockt and McDonough teaches first illumination apparatus generates light having at least one attribute (different illumination levels, different colors ...) different than the light generated by said second illumination apparatus (col. 7, lines 24-44).

Regarding claims 6 and 19, Verstockt differs from claim 6 in that he does not specifically teaches a third illumination apparatus operatively associated with the computer-pointing device, said third illumination apparatus generating light when the computer-pointing device is in another mode different from the standby mode and the input operating mode. Verstockt teaches a illumination apparatus (33) operatively associated with the computer-pointing device, said the illumination apparatus notices the operation status to the user and McDonough teaches one or more illumination apparatus (14) generating light (different illumination levels, different colors

...) when the computer-pointing device is in different states (col. 7, lines 24-44). Therefore, it would have been obvious to obtain a third illumination apparatus operatively associated with the computer-pointing device, said third illumination apparatus generating light when the computer-pointing device is in a third operating mode in order to allow user easily recognizes the pointing device with different of its modes.

Regarding claim 15, the combination of Verstockt and McDonough teaches a data processing system (21) operatively associated with the computer-pointing device, said data processing system receiving a data signal from the computer-pointing device that is indicative of the operating mode of the computer-pointing device, said data processing system processing the data signal so that said first illumination apparatus generates light when the computer-pointing device is in the first operating mode and so that said second illumination apparatus generates light when the computer-pointing device is in the second operating mode (col. 2, lines 29-67 Fig. 1, of Verstockt) .

Regarding claims 16 and 17, the combination of Verstockt and McDonough teaches a control system (12), said control system actuating said first illumination apparatus when the computer-pointing device is in the first operating mode, said control system actuating said second illumination apparatus when the computer-pointing device is in the second operating mode (col. 2, lines 29-67 Fig. 1, of Verstockt) .

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873) and further in view of Kojima et al. (US Patent No.: 3,938,138).

Regarding claim 8, the combination of Verstockt and McDonough differs from claim 8 in that it does not specifically teach a switch allowing a user to disable the first and second illumination apparatuses. The combination of Verstockt and McDonough teaches first and second illumination apparatuses (col. 7, lines 24-44). However, Kojima teaches a switch (17) allowing a user to disable an indicator (8) (Fig. 2, col. 4, lines 4-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the switch as taught by Kojima in the system of the combination of Verstockt and McDonough in order to reduce the power consumption of the device.

Regarding claim 9, the combination of Verstockt and McDonough differs from claim 9 in that it does not specifically teach a time-delayed shut off switch, said time-delayed shut off switch causing the first and second illumination apparatuses to be shut off after a period of inactivity. The combination of Verstockt and McDonough teaches first and second illumination apparatuses (col. 7, lines 24-44). However, Kojima teaches a time-delayed shut off switch, said time-delayed shut off switch causing the indicator to be shut off after a period of inactivity (col. 1, lines 31-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the time-delayed shut off switch as taught by Kojima in the system of the combination of Verstockt and McDonough in order to reduce the power consumption of the device.

4. Claims 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873) and further in view of Hinckley et al. (US Patent No.: 6,559,830).

Regarding claim 10, the combination of Verstockt and McDonough differs from claim 10 in that it does not specifically teach a user detection device operatively associated with the computer-pointing device, said user detection device detecting when a user is accessing the computer-pointing device. However, referring to Figs. 1 and 2, Hinckley teaches a user detection device (40) operatively associated with the computer-pointing device (43), said user detection device (40) detecting when a user is accessing the computer-pointing device (43) (col. 4, lines 40-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the user detection device as taught by Hinckley in the system of the combination of Verstockt and McDonough in order to indicate to user the operation modes of pointing device quickly.

Regarding claims 11 and 14, the combination of Verstockt, McDonough, and Hinckley teaches user detection device comprises an optical sensor/a capacitance proximity sensor. (col. 5, lines 38-55 of Hinckley).

Regarding claim 13, the combination of Verstockt, McDonough, and Hinckley teaches said user detection device comprises a mechanically activated switch (col. 6, lines 42-43 of Hinckley).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873) and further in view of Dai et al. (US Patent No.: 6,650,322).

Regarding claim 12, the combination of Verstockt and McDonough differs from claim 12 in that it does not specifically teaches the user detection device comprises a thermal sensor. However, Dai teaches the user detection device comprises a thermal sensor (col. 2, lines 32-35,

Fig. 2A of Dai). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the thermal sensor as taught by Dai in the system of the combination of Verstockt and McDonough in order to provide a pointing device would help determine user presence with accuracy.

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 1- 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225.** The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

JNguyen
8/24/2004

REGINA LIANG
PRIMARY EXAMINER